

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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March 15, 2001



Colorado Department
of Public Health
and Environment

Mr. Joseph A. Legare
Assistant Manager for Environment and Infrastructure
U.S. Department of Energy
Rocky Flats Field Office
10808 Highway 93, Unit A
Golden, CO 80403-8200

Dear Mr. Legare:

The department has become aware of the Preliminary Notification of Information (PN) dated February 9, 2001 (00-371-RVH-306) which states, *"A trend has developed in B-371 concerning a failure to consistently report incidents via the occurrence reporting process"*. The PN includes several examples, including an incident where a worker cut his glovebox glove. The report states that, *"This trend does not appear to be a recent development. Events like the worker who narrowly missed cutting her thumb...seem to fall by the wayside without being reported. Thus it appears that this failure to report has become more of a chronic condition."*

CDPHE staff members have followed the occurrence reporting process for several years, and have expressed concern to DOE several times in the past over a perception that some incidents were not properly reported. In October 2000, Edd Kray of our staff sent an email message to Delmar Noyes of DOE expressing concern over PN-00-371-RVH-225, which stated: *"There appears to be a pattern developing in B-371 involving the accuracy and timeliness of incident reporting. Several incidents that were clearly reportable either as IR's (internally reportable) or as Occurrences ORPS, have been reported several days late, not reported at all, and/or reported in a misleading fashion. Finally, there seems to be a reluctance to hold fact finding meetings surrounding many of the recent incidents."* The PN listed nine separate incidents that were either under reported or delayed. The PN also stated, *"The facility project is stretching the determination and reporting timeframe out unnecessarily."* DOE never responded to Kray's email message, nor has a subsequent request from Edd asking for a description of corrective actions related to 371-306 been answered.

Another recent incident in Building 371 also raises questions concerning proper notification. On November 9, 2000, a spill of 10 to 20 liters of contaminated solution leaked into a glovebox and then to the room floor through the criticality drain. The floor and room received significant contamination, and decontamination took some time. PN-00-371-RVH-226 for this incident states, *"This event occurred on Wednesday and was not reported the following day. There was enough information available to clearly warrant this incident being reported as an occurrence (or at least an IR to inform interested parties that the building had experienced a major spill). This is continued evidence of a reluctance on the part of the building management to promptly report upset conditions/unusual*

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DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

ADMIN RECORD

B371-A-000030

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Mr. Joseph A. Legare

Re: (PN) dated February 9, 2001

events..." CDPHE staff did not become aware of this November 9, 2000 incident until reviewing the PN on December 5, 2000.

Our staff has observed other occurrence reporting irregularities. A contractor refusal to classify and report a missed surveillance is documented in 00-771-RVH-212. A spill of plutonium liquids in Building 374 (2/25/00) was classified as merely "internally reportable". A low-level waste crate falling off a forklift in mid-February 2000 was not promptly classified and reported by the contractor.


CDPHE wants to emphasize two factors concerning the notification of incidents:

- 1) Given the intensive scrutiny by the public and media concerning incidents and safety issues at Rocky Flats, it is absolutely critical that all buildings carefully adhere to occurrence notification system requirements. Failure to follow proper notification procedures for a particular incident could seriously damage the site's credibility with the public.
- 2) CDPHE requests that it be informed of a significant incident in a building as soon as possible. Some liquid spills may have hazardous waste regulatory implications. Other incidents may generate media interest, and it is essential that CDPHE staff be aware of the circumstances surrounding these incidents in advance of being contacted by the press. The worker exposure incident of December 2000 in Building 771 is an example of an incident where the department started getting calls from the press before becoming informed of the incident.

At this time, CDPHE staff that is assigned to building D&D oversight is largely satisfied with the working relationships that have been established with DOE and its contractor. As building D&D progresses, we want to ensure that occurrence notification procedures are properly followed, and that the regulator is informed of significant occurrences.

We would like to discuss our concerns on occurrence notification with the site, and get responses to our previous inquiries on the subject. Please contact Edd Kray at 303-966-2115, or me at 303-692-3367. Thank you.

Sincerely,



Steven H. Gunderson
RFCA Project Coordinator

cc: Tim Rehder, EPA
Dave Shelton, KH
Steve Tarlton, CDPHE
Edd Kray, CDPHE
James Hindman, CDPHE
Administrative Record, Building 850



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